

The Burger Court Opinion Writing Database

Chemehuevi Tribe v. FPC

420 U.S. 395 (1975)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

February 21, 1975

Re: (73-1380 - Chemehuevi Tribe of Indians v. FPC
(73-1666 - Arizona PSC v. Chemehuevi Tribe of Indians
(73-1667 - FPC v. Chemehuevi Tribe of Indians

Dear Potter:

I join in your opinion dated February 13, 1975.

Regards,

W. B.

Mr. Justice Stewart

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE W. J. BRENNAN, JR.

February 18, 1975

RE: Nos. 73-1380, 73-1666, and 73-1667
Chemehuevi Tribe of Indians, et al. v. Federal
Power Commission, Arizona Public Service Co., et al.

Dear Potter:

I was the other way but you persuade me and I join.

Sincerely,

Mr. Justice Stewart

cc: The Conference

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: Stewart, J.

Circulated: FEB 12 1975

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 73-1380, 73-1666, AND 73-1667

Chemehuevi Tribe of Indians
et al., Petitioners,

73-1380 *v.*

Federal Power Commission
et al.

Arizona Public Service Com-
pany et al., Petitioners,

73-1666 *v.*

Chemehuevi Tribe of Indians
et al.

Federal Power Commission.
Petitioner,

73-1667 *v.*

Chemehuevi Tribe of Indians
et al.

On Writ of Certiorari to
the United States Court
of Appeals for the Dis-
trict of Columbia Cir-
cuit.

[February —, 1975]

Mr. JUSTICE STEWART delivered the opinion of the
Court.

In these three cases we review a single judgment of the
Court of Appeals for the District of Columbia Circuit to
determine whether thermal-electric power generating
plants that draw cooling water from navigable streams
are subject to the licensing jurisdiction of the Federal
Power Commission under Part I of the Federal Power
Act, 16 U.S.C. §§ 791a-823.

I

On September 20, 1971, two Indian tribes, five indi-

STYLISTIC CHANGES THROUGHOUT.

2
The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
~~Mr.~~ Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: Stewart, J.

Circulated:

FEB 13 1975

Recirculated:

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 73-1380, 73-1666, AND 73-1667

Chemehuevi Tribe of Indians,
et al., Petitioners,

73-1380 *v.*

Federal Power Commission
et al.

Arizona Public Service Com-
pany et al., Petitioners,

73-1666 *v.*

Chemehuevi Tribe of Indians
et al.

Federal Power Commission.
Petitioner,

73-1667 *v.*

Chemehuevi Tribe of Indians
et al.

On Writ of Certiorari to
the United States Court
of Appeals for the Dis-
trict of Columbia Cir-
cuit.

[February —, 1975]

Mr. JUSTICE STEWART delivered the opinion of the
Court.

In these three cases we review a single judgment of the
Court of Appeals for the District of Columbia Circuit, to
determine whether thermal-electric power generating
plants that draw cooling water from navigable streams
are subject to the licensing jurisdiction of the Federal
Power Commission under Part I of the Federal Power
Act, 16 U.S.C. §§ 791a-823.

T

On September 26, 1971, two Indian tribes, five indi-

STYLISTIC CHANGES THROUGHOUT.

P 29

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
~~Mr. Justice Marshall~~
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

Mr. Justice Stewart, J.

circulated:

Recirculated: FEB 25 1975

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 73-1380, 73-1666, AND 73-1667

Chemehuevi Tribe of Indians
et al., Petitioners,
73-1380 *v.*
Federal Power Commission
et al.

Arizona Public Service Company et al., Petitioners,
73-1666 *v.*
Chemehuevi Tribe of Indians
et al.

Federal Power Commission,
Petitioner,
73-1667 *v.*
Chemehuevi Tribe of Indians
et al.

On Writ of Certiorari to
the United States Court
of Appeals for the Dis-
trict of Columbia Cir-
cuit.

[February —, 1975]

MR. JUSTICE STEWART delivered the opinion of the Court.

In these three cases we review a single judgment of the Court of Appeals for the District of Columbia Circuit, to determine whether thermal-electric power generating plants that draw cooling water from navigable streams are subject to the licensing jurisdiction of the Federal Power Commission under Part I of the Federal Power Act, 16 U. S. C. §§ 791a-823.

I

On September 20, 1971, two Indian tribes, five indi-

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 14, 1975

Re: Nos. 73-1380, 73-1666 & 73-1667 -
Chemehuevi Tribe of Indians v. FPC

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

Copies to Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 27, 1975

Re: Nos. 73-1380, 73-1666 and 73-1667 -- Chemehuevi
Tribe of Indians et al. v. Federal Power Commission;
Arizona Public Service Company et al. v. Chemehuevi
Tribe of Indians; Federal Power Commission v.
Chemehuevi Tribe of Indians.

Dear Potter:

Please join me.

Sincerely,


T.M.

Mr. Justice Stewart

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 18, 1975

Dear Potter:

Please join me.

Sincerely,

H. A. E.

Mr. Justice Stewart

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 13, 1975

No. 73-1380 Chemehuevi Tribe v. FPC
No. 73-1666 Arizona Public Service Commission
v. Chemehuevi Tribe
No. 73-1667 FPC v. Chemehuevi Tribe

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

lfp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 13, 1975

Re: Nos. 73-1380, 73-1666, and 73-1667 - Chemehuevi
Tribe of Indians v. FPC

Dear Potter:

Please join me.

Sincerely,

W.H.R.

Mr. Justice Stewart

Copies to the Conference